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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,993	03/23/2001	Kirk Tecu	10010017-1	7620

7590 09/30/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
RIMELL, SAMUEL G	

ART UNIT	PAPER NUMBER
2175	4

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/816,993	Applicant(s) TECU ET AL.	
	Examiner Sam Rimell	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 14-19: Claim 14 in particular defines a client, a server, a communications network and an additional element which applicant refers to as a "controller". FIG. 2 of applicant's invention illustrates the physical architecture of the system, and examiner finds that the system architecture does not recite a "controller" in addition to the server, client and communications network. Furthermore, applicant's disclosure recites the server as performing the data processing functions, not a separate "controller" operating in addition to the server. Accordingly, applicant's recitation of a "controller" as a separate element from the server constitutes new matter. Each of claims 15-19 also define the "controller", and thus also contain new matter.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 8, 9, 10, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Abram et al. (U.S. Patent 6,462,778).

Claim 1: Col. 6, lines 19-56 describe a method and system in which a digital camera receives a digital image and also receives position data from a GPS system that is associated with the image.

The data is received at processor (140) which is readable as a server, connected by communications lines to other electronic components. The communications lines form a communications network with the server (140).

Using the GPS data, content data such as a city name is retrieved from a look-up table in a database (col. 6, line 39 and 152 in FIG. 1) and then either annotated directly on to the image or used to create a file name for the image col. 6, lines 53-56).

Claim 2: Once the annotated images are created, they are associated with a file name (col. 6, line 56) and stored in memory 150 (content database). The user can query the memory using the file name in order to obtain and access the file.

Claim 3: Col. 6, lines 19-37 describe the querying of a look-up table (location database) with GPS data (position data). A location name, such as city name is then retrieved from the database and annotated on the image.

Claim 4: Both the content database and location database contain text.

Claim 6: The annotated image is delivered to the processor (140) and display (180) which read as a client.

Claim 8: Col. 6, line 24 establishes that the position data includes longitude and latitude coordinates.

Claim 9: Col. 3, line 14 establishes that the image may be stored in memory (150).

Claim 10: The image can be considered "conditionally accessible" in the sense that the user may be limited to accessing the image by having to the access the processor (140) before obtaining the image.

Claim 11: Col. 6, line 55 indicates that the image may be printed.

Claim 13: Abram et al. discloses a location database (look-up table), content database (memory 150) and server (140). The server (140) receives image data and position data in the form of GPS coordinates, retrieves content data in the form of city names and annotates the image using the content data. The image may then be printed (col. 6, line 55) or delivered to a client device (180).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (U.S. Patent 6,462,778).

Claim 5: Col. 1, lines 31-39 of Abram et al. does disclose the receipt of chronological data (time stamps). The time stamps can be used to retrieve the image based on the time and date the image was obtained.

However, Abram et al. discloses this in background of the invention, rather than being associated with the specific preferred embodiments in the Abrams et al. invention. However, in light of this teaching, it would have been obvious to one of ordinary skill in the art to modify the preferred embodiment of the Abram et al. invention to include time stamps associated with the images and having the user query the content database (memory 14) using the time stamp data in order to access a desired image. This has the advantage of giving the user an additional option for image retrieval.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (U.S. Patent 6,462,778) in view of Obradovich (U.S. Patent 6,525,768).

Claim 7: Abram et al. differs from claim 7 in that it does not disclose the usage of web pages. However, Obradovich at col. 3, lines 26-27 and col. 3, line 59) teaches that GPS encoded and annotated images can be delivered to an end user as a web page obtained from the Internet. FIG. 48H also gives an illustration of what such a page would look like to the end user.

It would have been obvious to one of ordinary skill in the art to modify Abram et al. to obtain images or images annotated with GPS data from the Internet and delivered to the user as web page. This would provide the advantage of giving the user access to a wider variety of information, such as traffic and weather information, rather than limiting access to just images taken by the user.

Claim 12 and 20: Abram et al. teaches the receiving image data and GPS position data (col. 6, lines 19-56) at a server (processor 140) from a client device (155). A query is sent to a look-up table (location database) to obtain place names that can then be annotated to the image and used to a create file for that image using the place name. Once the file is created, the user can then make a separate query for the file name in the memory (content database) and retrieve the file. The file can then be displayed to the user or printed.

Abram et al. differs in that it does not deliver the file to the user as a web page, although this feature is taught by Obradovich. It would have been obvious to one of ordinary skill in the art to modify Abrams et al. with the teachings of using web pages established by Obradovich for the reasons provided in claim 7 above.

Remarks

Applicant's arguments have been considered.

Applicant's arguments focus primarily on Examiner's interpretation of the processor (140) as being a server. Applicant provides several definitions which indicate that a server is a computer which delivers data in a multi-computer network environment.

However, in the broadest sense of the term, a "server" a server is nothing more than a single processor that outputs data. Since the processor (140) of Abram et al. is a single processor that outputs data, it is considered to be readable as server, in its broadest reasonable sense. The usage of the term "server" does not require the illustration of an Internet, WAN or LAN, but only requires the presence of a single processing device.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

Sam Rimell
Primary Examiner
Art Unit 2175